

NORTHERN DIVISION
No. 2:10-CR-38-H
No. 2:13-CV-2-H

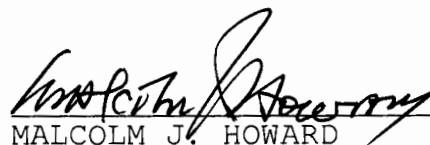
Respondent.

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that petitioner is entitled to relief on his claim pursuant to Dorsey v. United States, 132 S. Ct. 2321 (2012). The government consents to the court granting petitioner's motion to vacate and re-sentencing in accordance with the more lenient penalties of the Fair Sentencing Act of 2010.

Based on the representations and the consent contained in the government's objections to the M&R, the court declines to adopt the recommendation in the M&R, and hereby GRANTS petitioner's motion to vacate. This matter is SCHEDULED for resentencing at the court's September 9, 2014, criminal term. The petitioner shall remain in custody pending the resentencing hearing. The United States Probation Office is DIRECTED to provide the parties and the court with a resentencing memorandum. Furthermore, the Federal Public Defender is hereby directed to appoint counsel to represent petitioner in connection with the resentencing. The clerk is directed to serve a copy of this order upon the Federal Public Defender and the United States Probation Office.

This 8th day of July 2014.



MALCOLM J. HOWARD
Senior United States District Judge

At Greenville, NC
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